

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

DONNA L. WHITAKER

Plaintiff,

V.

CIVIL ACTION NO.

TRS RECOVERY SERVICES, INC.

Defendant.

AUGUST 24, 2009

COMPLAINT

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff Donna L. Whitaker, as an individual consumer, against Defendant TRS Recovery Services, Inc. hereinafter (“TRS ”) for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k (d) and 28 U.S.C. § 1337. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the defendant transacts business here and the conduct complained of occurred here.

III. PARTIES

3. Plaintiff Donna L. Whitaker is a natural person residing in the Town of Laurel, County of Anne Arundel, and State of Maryland.

4. Defendant, TRS Recovery Services, Inc. is a foreign corporation engaged in the business of collecting debts in the State of Maryland with its principal place of business located at 5251 WESTHEIMER, HOUSTON, TX 77056 and is authorized to do business in Maryland. The principal purpose of Defendant business is the collection of debts in this State and defendant regularly attempts to collect debts alleged to be due another.

5. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a (6).

IV. FACTUAL ALLEGATIONS

6. Plaintiff received an initial demand letter from date May 14, 2009.

7. Plaintiff contacted the Defendant by telephone on June 25, 2009.

8. Plaintiff spoke to Defendant's employee who identified himself as Jason employee ID #8033624.

9. Defendant's employee Jason stated that Plaintiff Whitaker could not verbally dispute a debt and she would need to send something in writing and include the following items; name, address, account numbers, driver's license and description of the debt to the

following address Telecheck Consumer Resolutions, Attn: OOP, 6th Floor, P.O. Box 45141 Houston, TX 77210-4514.

10. Plaintiff read TRS Recovery's initial demand letter, which indicated **no** written requirement. § 1692g (a) (3) "That unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt . . . the debt will be assumed to be valid by the debt collector

11. Defendant's statements were false, deceptive and misleading and violated 15 U.S.C. §1692e.

12. Based on information and belief, TRS did not report Plaintiff's dispute to the credit bureaus as required by §1692e (8).

13. Based on information and belief, Defendant TRS continued to report the debt without note of Plaintiff's dispute.

14. Defendant caused the Plaintiff to incur substantial charges in their attempt to collect this debt in violation of §1692 et seq.

15. Defendant wrote a check and signed Plaintiff's name saying "Pre-Authorized" that Plaintiff did not "Pre-Authorize."

16. As a result of the acts alleged above, Plaintiff has been damaged.

V. CLAIM FOR RELIEF

17. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

18. Defendant violated the FDCPA including but not but not limited to, the following:

(a) Violation of §1692e (2) (A) the false representation of the character, amount, or legal status of any debt.

(b) Violation of §1692e (8) Communicating or threatening to communicate to any person credit information which is know or which should be know to be false, including the failure to communicate that the debt is disputed.

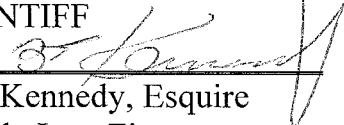
19. As a result of the foregoing violations of the FDCPA, Defendant TRS is liable to the Plaintiff for declaratory judgment that TRS's conduct violated the FDCPA, actual damages, statutory damages, costs and attorney's fees.

WHEREFORE, Plaintiff respectfully requests that judgment is entered against Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages pursuant to 15 U.S.C. § 1692k;
- D. Costs and reasonable attorney's fees pursuant to 15 US. 1692k (3).
- E. For such other and further relief as the Court may deem just and proper.

THE PLAINTIFF

BY


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